

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LEE VALLEY TOOLS, LTD, et al.,

Plaintiffs,

v.

WOODCRAFT SUPPLY LLC, et al.,

Defendants.

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SCHEDULING ORDER

10-CV-6242CJS

Pursuant to the order of the Hon. Charles J. Siragusa, United States District Judge, referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Fed. R. Civ. P. Rule 16(b) and Local Rule 16.1(a), and a conference having been held on September 7, 2010 with counsel relative to the matter, it is ORDERED that:

1. All mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements, shall be completed on or before **September 21, 2010**.
2. All motions to join other parties and to amend the pleadings shall be filed on or before **October 22, 2010**. Any third party action shall be commenced on or before **October 22, 2010**.
3. A **status conference** will be held with the undersigned at 2310 U.S. Courthouse, Rochester, New York on **May 4, 2011**, at **11:40 a.m.**, to discuss the status of the case and the possibility of settlement.

4. All factual discovery in this case, including depositions, shall be completed on or before **May 31, 2011**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.

5. Plaintiffs shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **June 30, 2011**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **July 29, 2011**. Parties shall complete all discovery relating to experts, including depositions, by **August 31, 2011**.

6. Dispositive motions, if any, shall be filed no later than **September 30, 2011**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Siragusa.

7. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(d) and Local Rule 16.1(f) will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

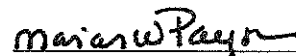
At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.

- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

**IT IS SO ORDERED.**



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MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
September 8, 2010